

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

VIRGIL HARRIS,

Plaintiffs,

v.

Case No. 8:23-cv-976-WFJ-AAS

P&B CAPITAL GROUP, LLC,

Defendant.

_____ /

ORDER

Plaintiff Virgil Harris requests entry of clerk's default against Defendant P&B Capital Group, LLC (P&B). (Doc. 10).

Under Federal Rule of Civil Procedure 55(a), “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.” Mr. Harris filed his complaint against P&B on May 4, 2023. (Doc. 1). Mr. Harris’s process server served a copy of the summons and complaint on an employee for P&B’s registered agent on May 9, 2023. (Doc. 7). This service is adequate under the relevant state and federal procedural rules. *See* Fed. R. Civ. P. 4(h)(1)(A), (e)(1) (stating service of process on corporations may be completed in accordance with “state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made”); FLA. STAT. §

48.062 (permitting process on behalf of a limited liability company in Florida to be served on “any employee of the registered agent” of the limited liability). P&B’s answer to Mr. Harris’s complaint was due May 30, 2023. *See* Fed. R. Civ. P. 12(a)(1)(A)(i) (stating a defendant who does not waive timely service must serve an answer “within 21 days after being served with the summons and complaint.”).

To date, P&B has not answered Mr. Harris’s complaint and has otherwise failed to plead or defend itself in this action. Entry of clerk’s default is thus warranted. Mr. Harris motion for clerk’s default (Doc. 10) is **GRANTED**. The Clerk is **DIRECTED** to enter default against P&B.

ORDERED in Tampa, Florida on June 28, 2023.

A handwritten signature in black ink that reads "Amanda Arnold Sansone". The signature is written in a cursive, flowing style.

AMANDA ARNOLD SANSONE
United States Magistrate Judge